<u>REMARKS</u>

This application has been reviewed in light of the Office Action dated February 26, 2004. Claims 1, 4, 5, 42, and 47 are presented for examination, of which Claims 1, 42, and 47 are in independent form. The recitations of Claims 2 and 3 have been incorporated into Claim 1 (and also into Claims 42 and 47), and Claims 2 and 3 (as well as Claims 6-41, 43-46, and 48-51) have been cancelled, without prejudice or disclaimer of subject matter. The canceled claims will not be mentioned further. Additional changes also have been made to Claims 1, 4, 5, 42, and 47, to define still more clearly what Applicant regards as his invention. Favorable reconsideration is requested.

Claims 1, 5, 42, and 47 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,529,285 (Bobrow et al.), and Claim 4 was rejected under 35 U.S.C. § 103(a) as being obvious from *Bobrow* in view of U.S. Patent 4,800,379 (Yeomans).

As is discussed in the specification, the availability of copyright material on the Internet is pervasive, and the possibility of using hierarchical image data representations makes use (both authorized and improper) of material very easy. The present invention is concerned to aid in preventing misuse of copyright materials available on the Internet.

Independent Claim 1 is directed to an image processing apparatus that comprises input means for inputting image data which complies with a hierarchical data format that hierarchically stores image data of a plurality of resolutions, and determination means for determining if the image data is a specific image. Also provided are output means which, when the determination means determines that the image data is the specific image, select and output image data in a lowest resolution layer, or processes the image so that the image data is not faithfully reproduced and outputs the processed image data.

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This structure is supported, at the least, by the description at page 31, line 21, through page 32, line 2, page 70, lines 24-36, and Figure 6.[1] In particular, the output means can output two kinds of image data when the determination means determine that the image data is the specific image, one being image data in a lowest resolution layer and the other, processed image data that is not faithfully reproduced.

As shown above, among other important features of the structure recited in Claim 1, are the output means, which select and output image data in a lowest resolution layer, or process the image data so that the image data is not faithfully reproduced and output the processed image data, when determination means determine that the image data is the specific image.

Bobrow relates to a system in which a first set of digital information, that includes a first structured representation of a document, is used to produce a second set of digital information, that includes a second such representation. The second representation, which is a lossless one, includes a set of what are termed tokens, and a set of positions. AT least one of the tokens has an associated semantic label, which may be a character code associated with various font types. The two representations may be resolution dependent. The first is provided to an untrusted recipient, but the second is not. The recipient requests a search for particular content, and a highlighted version of the first representation is then provided. If, for example, the high-resolution image is subject to copyright, the untrusted recipient may be provided with a low-resolution version only.

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[1] It is of course to be understood that the claim scope is not limited by the details of the description referred to, but includes all the structure disclosed for performing the relevant functions, and equivalents.

Applicant strongly urges, however, that nothing has been found, or pointed out, in *Bobrow* that would teach or suggest any arrangement in which, as in the apparatus of Claim 1, an image is processed so that it is not faithfully reproduced when it is a specific image, that is it has a copyright, for example. For at least that reason, Claim 1 is believed to be clearly allowable over *Bobrow*.

Independent Claims 42 and 47 are respectively a method claim and a storage-medium claim corresponding to apparatus Claim 1, and are deemed to be allowable over that patent for at least the same reasons as are discussed above with regard to Claim 1.

Further, *Yeomans* relates to an image display apparatus that designates a region on a displayed low resolution image and replaces the low-resolution image in the designated region with a high-resolution image when the designated region is magnified.

Generally speaking, it sometimes happens that an owner of copyright does want to permit others to output an image subject to the copyright, even at low resolution. In terms of this point, *Bobrow* cannot meet this requirement because at least a low-resolution image is always outputted. *Yeomans* also cannot do what is required, because a low-resolution image portion is just replaced with a high-resolution image when magnifying the low-resolution image portion. That is, in *Yeomans*, an image is faithfully reproduced. even if the two patents are combined as proposed in the Office Action, therefore (and even assuming that combination would be a permissible one), the result would not meet the terms of Claim 1.
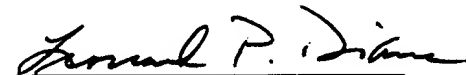
A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from independent Claim 1, and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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